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IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

No. 117

SNYDER VOGEL AND SAM VOGEL, *Petitioners*,

v.

THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA AND TENNECO OIL COMPANY, *Respondents*.

BRIEF IN REPLY TO BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF OKLAHOMA

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Carl L. Shipley, on behalf of the petitioners herein, acting pursuant to Rule 24(4) of this Court's Rules, herewith replies to respondent's brief in opposition to their petition for a writ of certiorari to the Supreme Court of the State of Oklahoma, and reassert their request that the petition for a writ of certiorari to review the decision of the Supreme Court of Oklahoma in the above entitled case be granted.

STATEMENT

Respondents argue in opposition to the grant of a writ in the above entitled case that "atrocious as the acts of Justice Johnson might have been in most cases, we are not willing to spread the hateful cloud of guilt by association[1] over the five other justices who participated in the majority opinion in the instant case.

"To accept the argument of petitioners would be to impeach and find guilty the remaining members of the Court."

The facts of public record are that Oklahoma Supreme Court Justice Napoleon Bonaparte Johnson, who deliberated on, participated in, and wrote the opinion in petitioners' case, was indicted, prosecuted, convicted, impeached, and convicted on impeachment of being a bribe-taker, i.e., a judge who accepted money to exercise his judicial power in favor of bribe-givers, without regard to the merits of the case. Petitioners do not allege, because they do not know, whether Justice Johnson did or did not in fact accept bribes in connection with their case. Petitioners assert that they are not required under the due process provisions of the Federal Constitution to play cat and mouse, or engage in guessing games to try to determine whether there was bribery in their case. Since the date on which they filed their petition in this Court for a writ of certiorari, two other justices of the Oklahoma Supreme Court, who participated in the decision in petitioners' case herein, have been accused of taking bribes by Justice N. S. Corn, one of their former colleagues on the bench, during the course of his testi-

[1] "Guilt by Association", 21 Journal of the Bar Association of the District of Columbia 16 (Jan. 1954).

mony in criminal proceedings in a Federal court in Oklahoma, as set forth in the June 4, 1965, Oklahoma City Times, and the June 5, 1965 Daily Oklahoman, copies of which are included herewith at Appendix 1a.

Petitioners do not include these newstories as proof of the allegations by Justice Corn contained therein. But these reports of testimony under oath in a Federal court certainly can be the basis for judicial notice by this Court that a miasma of doubt, a fog of suspicion, and a prima facie case of uncertainty as to the integrity and fairness of the Oklahoma Supreme Court existed at the time petitioners' case was decided.

Petitioners call to the Court's attention that two of the three accused judges participated in the decision in petitioners' case, i.e., Chief Justice Harry L. S. Halley and Justice W. H. Blackbird, who dissented. It is to be noted in these reports that at least one of the cases in which Justice Johnson accepted a bribe was, like petitioners' case, an oil-lease case, e.g., *Marshall* v. *Amos*. Whether the decision in petitioners' case was right or wrong, and whether or not the other justices who participated in that decision were honest or dishonest, and whether or not Justice Johnson actually received a bribe in petitioners' case, is not material to petitioners' rights under the Federal Constitution to have their case determined by an impartial, honest, and objective state judiciary.

It is petitioners' position that the decision of the Oklahoma Supreme Court in their case is fatally defective under the due process clause of the Federal Constitution, because it was written by a corrupt and venal Justice of the State Supreme Court, and participated in by other justices enveloped in a cloud of suspicion.

When Judge Manton of the U. S. Circuit Court of Appeals was tried some years ago for criminal conspiracy to obstruct the administration of justice, the U. S. Court of Appeals, Second Circuit, (*U.S.* v. *Manton*, 107 F. 2d 834, cert. den., 309 U.S. 664) said:

> "* * * The conspiracy here contemplated the payment of money to induce a judge to exercise his judicial power in favor of the bribe-givers, without regard to the merits. If the decisions finally rendered in pursuance of the conspiracy be legally sound the fact is immaterial. * * *
>
> "We cannot doubt that the other judges who sat in the various cases acted honestly and with pure motives in joining in the decisions. No breath of suspicion has been directed against any of them and justly none could be. And for aught that now appears we may assume for present purposes that all of the cases in which Manton's action is alleged to have been corruptly secured were in fact rightly decided. But the unlawfulness of the conspiracy here in question is in no degree dependent upon the indefensibility of the decisions which were rendered in consummating it. Judicial action, whether just or unjust, right or wrong, is not for sale; and if the rule shall ever be accepted that the correctness of judicial action *taken for a price* removes the stain of corruption and exonerates the judge, the event will mark the first step toward the abandonment of that imperative requisite of even-handed justice proclaimed by Chief Justice Marshall more than a century ago, that the judge must be 'perfectly and completely independent with nothing to influence or control him but God and his conscience.'"

Petitioners herein verily believe that the Federal Constitution assures to them as a part of due process the right to a decision by a Court which is free from a reasonable suspicion of corruptness.

As indicated in the attached news stories, petitioners now have no assurance that Justice Johnson was the only corrupt member of the Supreme Court of Oklahoma at the time the decision in their case was made. The protection of the due process clause is completely nullified, if petitioners must first prove actual venality in their specific case, as distinguished from making a prima facie showing that one or more of the justices were corrupt in other cases, including oil lease cases, thus making them incompetent and untrustworthy in discharging their judicial functions in all cases.

Respondents' brief in opposition to the petition for a writ of certiorari herein suggests at page 14 that "petitioners want this Court to substitute its judgment for that of the Oklahoma Corporation Commission, and that of the Oklahoma Supreme Court on purely factual questions."

Petitioners respectfully submit that this is not what petitioners have asked. Petitioners have asked that this Court grant a writ of certiorari in order to consider the important constitutional question of whether or not the Supreme Court of Oklahoma is required to follow Article IX, Section 20 of the Constitution of the State of Oklahoma, which requires the Supreme Court in the review of appealable orders of the Corporation Commission to "exercise its own independent judgment as to both the law and the facts," instead of following the other provisions of that Article of the Oklahoma Constitution which authorize the Supreme Court to determine non-constitutional appeals from the Orders of the Corporation Commission on the basis of whether or not the findings and conclusions of the Commission are "sustained by the law and substantial evidence."

The obvious purpose of this Article of the Oklahoma Constitution is to establish for the Supreme Court not one, but two, standards of review with respect to orders of the Oklahoma Corporation Commission. One is the "substantial evidence" standard, to be applied in non-constitutional cases, and the other is a *de novo* determination as "to both the law and the facts" by the Supreme Court in Oklahoma Corporation Commission matters where there has been asserted violation of any right of the parties under the Constitution of the United States or the Constitution of the State of Oklahoma, as was the case in respect of petitioners' proceeding, which is the subject of the petition herein.

The Supreme Court of the United States in the past has not hesitated to construe provisions of state Constitutions and to determine whether or not enactments of state legislatures conform to those provisions, and whether a state constitution and/or state legislation conforms to the requirements of the Federal Constitution, in appropriate cases. For example, in *Gelpcke* v. *Dubuque,* 1 Wall. 175, this Court said:

> "We are not unmindful of the importance of uniformity in the decisions of this Court, and those of the highest local courts, giving construction to the laws and constitutions of their own states. It is the settled rule of this court, in such cases, to follow the decisions of the state courts. But there have been heretofore, in the judicial history of this court, as doubtless there will be hereafter, many exceptional cases. We shall never immolate truth, justice and the law because a state tribunal has erected the altar and decreed the sacrifice."

A related aspect of this problem is discussed in *Muhlker* v. *N.Y. and Harlem R. Co.,* 197 U.S. 544, and Justice Frankfurter expressed some views along simi-

lar lines in *Oklahoma Packing Co. et al.* v. *Oklahoma Gas & Electric Co.*, 309 U.S. 703, (which was later withdrawn and replaced by the decision reported at 308 U.S. 530). When petitioners herein acquired their interest in the oil leases involved, they anticipated and expected that the Oklahoma Corporation Commission would not only follow the provisions of the Constitution of the State of Oklahoma and the Federal Constitution, but it was an element of their contract that the decisions of the Commission in constitutional cases would be subjected to the checks and balances of an independent review as to both the law and the facts by the Supreme Court of Oklahoma, as provided in the Constitution of the State of Oklahoma. A departure by the Supreme Court of Oklahoma from the provisions of the Constitution is an impairment of their contract rights and a contravention of the protection provided to them under the Federal Constitution, pursuant to Article I, Section 10 and the Fourteenth Amendment.

CONCLUSION

Respondents' brief in opposition to petitioners' application for a writ of certiorari does not fairly meet the issues presented, i.e. whether the fact that a justice of the Supreme Court of Oklahoma, who writes the opinion in a case, and who is subsequently impeached and convicted for accepting bribes for exercising his judicial authority in behalf of bribe-givers, so vitiates and corrupts the judicial process as to be a denial of due process under the Federal Constitution; whether a state Supreme Court can ignore the provisions of the constitution of the state with respect to the judicial process; and whether an arbitrary administrative decision of a state agency is a denial of due process and

equal protection of the laws under the Federal Constitution. Instead it relies upon implied arguments that petitioners are spreading a "hateful cloud of guilt by association over the five other justices" and that they are trying "to impeach and find guilty the remaining members of the Court."

The guarantees of due process of law and equal protection of the laws are meaningless in the Federal Constitution if the Supreme Court of a state can ignore provisions of its own constitution, or if corrupt justices of a state Supreme Court are beyond the reach of the Supreme Court of the United States in applying Federal constitutional standards, or if state administrative agencies are free to make arbitrary and capricious administrative determinations, without being held to the uniform national standards of due process provided in the Federal Constitution. These are important questions which not only have not been heretofore determined by this Court, but which have an immediate and far-reaching impact on the expanding definition of the federal-state relationship under the Federal constitution.

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APPENDIX

APPENDIX

[From OKLAHOMA CITY TIMES, June 4, 1965]

CORN IMPLICATES MORE JUDGES

CALM CHARGE OF BRIBERY STUNS COURT

The conversational nonchalance of his words could not erase their impact.

They were words that stunned a federal courtroom into silence.

They were words that will ricochet through the minds of scandal-plagued Oklahomans, who may have thought they had heard the last about corruption on their supreme court.

With the ease that a person could recount the names of his children, former Justice N. S. Corn ticked off the names of three present members of the state supreme court.

He said O. A. Cargill sr., defendant in a federal court perjury trial, told him they were involved in a supreme court fix.

He wasn't talking about Earl Welch or N. B. Johnson, former justices who already have been linked to bribery scandals.

Nor was he talking about any retired or deceased members of the supreme court.

In barely five seconds, Corn threw a cloud of suspicion on the chief justice of the supreme court, Harry L. S. Halley.

He threw it on the immediate past chief justice, W. H. Blackbird.

And he threw it on Denver Davison, a veteran member of the high court.

Until Corn's testimony, none of the three had been linked to bribery allegations.

Corn was testifying about various conversations he claims to have had with Cargill.

The only forewarning of the charge to come was when Corn claimed Cargill told him he had a "big deal" working on the Marshall vs. Amos case before the supreme court.

"He said it was a $25,000 deal and would be split six ways," Corn said.

U. S. District Attorney B. Andrew Potter asked the key question:

"Who else did he say was involved?"

Corn replied: "He said the two Indians (later identified as Johnson and Welch), Davidson, Halley and Blackbird."

Cargill Winces

Corn testified that Cargill said he personally would "take care of" Davison and the two Indians.

Corn quoted Cargill as saying a Tulsa attorney would "handle Halley" and that a Bristow attorney would "take care of" Blackbird.

The defendant winced, then managed a faint smile as he listened to Corn's searing words.

Legs crossed, Cargill leaned forward in his chair and cupped his left hand to his ear.

Glanced at Jury

Corn glanced directly at the jury as he spoke. He tapped a nervous cadence with his left hand on the front of the witness stand.

After Corn finished his testimony and court was recessed, Cargill was moved to speak.

In a loud voice, near the federal building elevators, he claimed his innocence to a friend.

He spoke not of Corn's testimony but of the earlier testimony of Hugh A. Carroll.

'He Knows It'

"He knows it didn't happen that way," Cargill said. "As God is my witness, he knows it."

The ease with which Corn recited the names of the supreme court justices was apparently matched only with the ease in which he says he accepted bribes.

Corn testified it took no more than a phone call from Cargill to get him to support Cargill's side in a lawsuit before the supreme court.

Years Are Listed

The former supreme court justice said Cargill would tell him to "follow the majority" or "follow the crowd."

Corn testified he followed Cargill's orders from 1936 to 1955.

He said that in return for the service, Cargill paid him $1,000 every time he ran for re-election to the supreme court.

In addition, Corn recalled three special "deals" with Cargill.

These included the Marshall vs. Amos case in which Corn said the other three justices were implicated by Cargill.

Also included was the Selected Investment Inc. case and Oklahoma Co. vs. O'Neil, a case involving Cargill's son-in-law, Corn testified.

At his first meeting with Cargill in 1936, Corn said, Cargill referred to several lawyers. Corn said Cargill told

him he was the kind of man "they wanted to keep on the court."

'GET YOUR PENCIL'

The testimony went on and on and Corn recounted the times he had been "bought."

When Cargill wanted his vote, Corn said he would call his supreme court office and say, "Get your pencil."

Corn said he would get his pencil and write down the name of the case.

[From OKLAHOMA CITY TIMES, June 4, 1965]

JUSTICE TELLS OF 'BIG DEAL' WITH CARGILL

By Tom Laceky

Former Justice Nelson S. Corn implicated three more supreme court justices Friday in bribery allegations.

Corn testified that O. A. Cargill sr. told him there was an arrangement in the Marshall vs. Amos case for the votes of Justices Earl Welch, N. B. Johnson, Denver Davison, Harry L. S. Halley and W. H. Blackbird.

The latter three justices had not been connected previously with bribery allegations. Halley is chief justice.

TRIO CLEARED BY BAR

A special committee of the Oklahoma Bar Association exonerated Blackbird, Davison and Halley a month ago. The committee declared the three justices "are honest men and have not been paid, nor have they received, any bribe in any case."

Corn also testified Friday he paid Cargill $2,500 to arrange for the vote of the late Justice W. A. "Lon" Carlile in the Selected Investments case before the court.

Corn said that in a 1963 conversation with Cargill he threatened to expose his "arrangements" with Cargill to federal income tax investigators.

'That Made Him Mad'

"That seemed to make him mad," Corn testified.

Corn said Cargill shouted in a loud angry voice: "By the time I get through with you, no one will believe a thing you say."

Corn's much-publicized, but as yet unrevealed, 84-page statement was turned over to Cargill's defense attorneys as soon as Corn's testimony was completed.

Along with it went six statements Corn said he had made to the Internal Revenue Service.

'It Makes Me Sick'

When Davison was told of Corn's testimony, he said, "I am surprised—and it makes me sick. Nobody has ever paid me a bribe."

He noted he had voted against the majority in the Marshall vs. Amos case. Corn also pointed that out in his testimony.

The other two justices implicated Friday could not be reached immediately for comment.

Corn delivered his testimony in a matter-of-fact, almost sing-song voice within moments after U. S. Attorney B. Andrew Potter called him to the stand at 9:55 a.m.

Phone Call Related

Corn was the first witness in Thursday's session of the federal perjury trial of Cargill.

Defense attorney Percy Foreman was given a recess until 1 p.m. as soon as Corn finished his testimony, to allow defense attorneys to read Corn's statements.

Corn testified Cargill's alleged statements came in a telephone call from Cargill in 1955, while the Marshall vs. Amos case was pending.

"He said to get my pencil and paper, that he was going to give me a case," Corn said.

"He said he had a big deal, $25,000 split six ways, and he would give me $4,000 for an opinion to reverse the (trial) court."

'I Told Him I Would'

"What did you tell him, Judge?" Potter asked.

"I told him I would."

"What else did you say?"

"I asked him who else was on the opinion," he said, the two Indians, Davison, Halley and Blackbird," Corn recalled.

He identified "the two Indians" as Welch and Johnson.

"He said all five would go along?" Potter asked.

Corn replied Cargill told him that Cargill had attorneys at Tulsa and Bristow "who took care of" two of the justices.

At the Capitol Justice Davison said:

'Dissented All the Way'

"Nobody has ever paid me a bribe. I concurred in the Oklahoma Co. case, but I dissented all the way in that other case (Marshall vs. Amos)."

"I know that during the bar investigation, Corn was asked about each member of the court, whether they had accepted bribes.

"When they came to my name he said, " 'Oh, no, no,' " Davison told newsmen.

"This is terrible. It just makes me sick."

Some of Corn's testimony corroborated that of Hugh A. Carroll, who earlier testified Cargill was involved in the Selected Investments Corp. case.

Corn said Cargill called him and asked the supreme court justice to notify Carroll to allow Cargill to represent Selected Investments.

Corn said Cargill said he would need to represent the failing company "so I can take care of the situation for us."

The former justice said he then called Carroll and told him to hire Cargill.

In another conversation with Cargill Corn said, he was told about the "Pierre Laval" story Carroll told in regard to $150,000 now identified as an alleged bribe.

"Everything is fixed," Corn quoted Cargill as saying.

Corn said Cargill told him that Carroll would tell a federal court that he "let a Canadian have the money."

She's 'Lined Up'

Corn said Cargill said he was having trouble with Mrs. Carroll, who did not want to go along with the Pierre Laval story.

However, Corn said that Cargill called the next morning to say Mrs. Carroll was "lined up."

"It's all right now," Cargill was quoted as saying.

Corn also testified Cargill paid him $7,500 to "fix" Welch and Johnson on the Oklahoma Co. vs. O'Neil case.

Key to Ouster

That alleged bribe was the key to the impeachment of Johnson by the state senate.

Corn told of meeting Cargill shortly after he was elected to the court, in 1936, as Potter supplied questions. After "establishing Corn's names, age, occupation ("retired") and physical condition, Potter asked:

"Do you know the defendant, O. A. Cargill?"

"Yes," Corn replied.

"When did you first meet him?"

'Yes, I Did'

"I think it was right after I came to the court."

"Did you ever have any financial transactions with the defendant, O. A. Cargill?"

"Yes, I did," Corn said.

"When was the first time?"

"Nineteen hundred and thirty-six."

"Where?"

"In Mr. Cargill's office in the Hales Building (107 N Robinson)."

Only Pair Present

Corn said only he and Cargill were present.

Potter then asked Corn to describe the circumstances.

Corn told of another telephone invitation to Cargill's office. Corn said only he and Cargill were present.

"He (Cargill) said he and some of his attorney friends had been discussing what kind of judge I would make," Corn began.

"He said they liked to be friends with all the judges, and he'd like to have me as the sixth judge to go along on opinions.

"I said there are nine members on the court, and that any five could make a majority. I said I didn't think it would do any good, going along as the sixth member," Corn recalled.

"He said, 'Oh, yeh, but I like to have a sixth man.'

"He said I was the kind of man they'd like to have on the court and they wouldn't have any trouble if I was properly financed.

"He said I would be allowed all the money I'd need."

Corn said Cargill promised him $1,000 each time Corn ran for office, plus a campaign fund.

Potter asked him if he remembered what cases Cargill had told Corn to vote on.

"No, I don't—there were a lot of them. He called me on a lot of them," Corn testified.

Corn specifically named three cases:

Marshall vs. Amos, Selected Investments Corp. vs. the Tax Commission and Oklahoma Co. vs. O'Neill.

Corn implicated the three justices previously not cited in bribery allegations in connection with Marshall vs. Amos.

[From THE DAILY OKLAHOMAN, June 5, 1965]

CARGILL MADE DEALS WITH RIVAL LAWYERS, FORMER JUSTICE SAYS

Corn Testifies of Hiding $97,000 Bribery Money In Old Shoes, Fruit Jars

By Katherine Hatch

O. A. Cargill sr., had "deals" with opposing attorneys in some cases before the state supreme court from 1936 until 1958, former Justice N. S. Corn testified Friday.

Corn also said he personally had hidden nearly $97,000 in bribe money in some "old shoes" at a golf course locker and buried in fruit jars in his yard.

Corn told Oklahoma City federal court jury hearing Cargill's perjury trial that the 80-year-old attorney frequently called to tell him how to vote on pending high court cases.

Asked on cross-examination why he failed to vote for an opinion favorable to Cargill's clients on some cases, Corn said:

"He didn't call me on those cases, or he called me and told me that he had the same kind of a deal with the other side and I voted the way I wanted to."

Asked if he meant the attorneys on the other side, Corn replied, "That's right."

Corn Only Witness

Questioned further, Corn added only that it was "the same deal and that it didn't make any difference for me to just vote however I wanted to."

The 81-year-old former justice and supernumerary judge remained on the witness stand all day, undergoing direct examination by U. S. Attorney B. Andrew Potter for 35 minutes, and cross-examination by chief defense counsel Percy Foreman, Houston, nearly four hours.

Corn said that in the Marshall vs. Amos oil lease case, Cargill told him five other high court justices had been taken care of.

Justices Named

In later testimony, he said that prior to 1955, Cargill hadn't disclosed the names of any other justices—besides himself—taking bribes for favorable decisions.

Named by Corn as those justices whom Cargill said were on the Marshall versus Amos opinion were Earl Welch, N. B. Johnson, Denver Davison, Harry L. S. Halley and W. H. Blackbird. (The latter three vigorously denied the accusation in an afternoon press conference at the capitol. Welch and Johnson no longer are on the bench).

$4,500 Paid?

Corn testified that Cargill paid him a total of $4,500 in regular payments while he was on the bench, $1,500 as an initial campaign fund and $1,000 each time he ran for re-election.

"What were you to do, if anything, for this alleged, $1,000 every six years?" Foreman asked.

"Well, I was to go along on opinions that he was interested in. . ." Corn replied.

After Corn said he voted with "the other five" in majority opinions, to give them more than a bare majority, Foreman said:

Any Others?

"Which of the other five members at any time—any five that you designate as the other five, you being the sixth man?"

"There wasn't anything said by Mr. Cargill about him handling any other judges or handling me either, for that matter," Corn said.

"From your 1936 agreement (with Cargill) up to 1955, were there any other individual judges that Cargill designated to you as the first five?"

"No, I don't think so," Corn said.

Calls Reported

Corn said Cargill called him "every time" there was a particular case, and that he voted "for every case he called me on . . . voted the way he wanted me to."

Foreman then cited, one at a time, a dozen supreme court cases in which Cargill was an attorney and which Cargill lost.

"I suggest that you didn't vote in five (of those cases), that you voted against him in four, and that you authored an opinion against him in yet another one," Foreman declared.

Cases Not Clear

". . . In only two of those cases that Cargill lost Nelson S. Corn voted for Cargill," he continued.

Corn said he lacked independent knowledge of the cases as Foreman described them, but repeated that Cargill had hold him he had "the same arrangement the other way . . . with the attorneys or someone on the other side."

Figuring the $4,500 into Corn's years on the bench, Foreman asked him if it weren't true that he was "working for less than 30 cents a day for Mr. Cargill?"

"I never did do any figuring," Corn said.

'Selling Your Oath'

"You were selling your oath of office for this pittance of money? Correct?" Foreman asked.

Corn turned toward U. S. District Judge Roy W. Harper, St. Louis, presiding over the trial, and said, "I don't believe he has worded that so I can give an intelligent answer, has he, judge?"

"That's up to you," Judge Harper replied.

Then Corn said, "I violated my oath and I ruined myself . . . I ruined myself completely, disgraced my family, disappointed my friends.

"The only thing left for me to do now is come in and tell the truth and that's what I'm doing."

Later, Corn admitted lying in statements he gave Internal Revenue agents, but said he wasn't under oath when he gave them.

He said if he had been put under oath, "Why then, I would have taken the Fifth Amendment."

Foreman asked Corn about a $150,000 bribe paid him by Hugh Carroll, founder of Selected Investments Corp., for an opinion favorable to Selected in a tax case against it by the Oklahoma Tax Commission.

Corn said he gave $7,500 each to Welch and Johnson.

"What did you do with the money after you got it?"

"I spent it various ways."

Corn said he kept some in a pair of old shoes in a locker at Lincoln Park golf course, buried some in fruit jars in his yard, and had other bills in filing cabinets at his capitol office and at home.

When Carroll told him in March, 1958, that he needed the money back, Corn gave him $33,000, but that wasn't all he had, he told the jury of 10 men and two women.

New Car Bought

"I told him I'd turn him back all that was available," Corn said, adding, "I could have got some more, I guess" from other hiding places.

Corn said the money was all gone after he paid taxes with interest and penalties and bought a new car.

Corn testified that Cargill had three high court opinions fixed: Marshall versus Amos, Selected versus the Oklahoma Tax Commission, and the Oklahoma Co., versus O'Neil.

The trial recessed for the weekend and resumes at 9:30 a.m. Monday. Cross-examination of Corn will continue.

It is expected the trial will last through most of next week. The jury remained impounded over the weekend, under guard by deputy U. S. marshals as it has been since it was impaneled Tuesday afternoon.

[From THE DAILY OKLAHOMAN, June 5, 1965]

"JUSTICES SLAP AT TESTIMONY"

By Jim Young

An angry trio of state supreme court justices issued strong denials Friday to federal court testimony linking them with attorney O. A. Cargill in a court appeal.

Former Justice N. S. Corn testified at Cargill's federal perjury trial that the veteran city lawyer told him a man in Tulsa would take care of Justice Harry L. S. Halley, a man in Bristow would take care of Justice W. H. Blackbird and he (Cargill) "would take care of (Denver) Davison and the two Indians (N. B. Johnson and Earl Welch)."

'I Deny It'

Corn said the statements were made in connection with Marshall vs. Amos, involving oil property in Cleveland County.

Halley, now the chief justice, said, "I have never heard of Cargill in that case until long after it was decided."

"No one approached me or said anything to me about the case," he added.

"If Cargill made that statement he had no basis to go on," he said. "I deny it flat-footedly and undeniably."

Case Tie Unknown

Justice Blackbird said, "Mr. O. A. Cargill nor any other person approached me or dared to approach me."

"Whether O. A. Cargill would make this statement I don't know," Justice Blackbird said. "I don't think any member of the court had knowledge of O. A. Cargill being in this case in the slightest."

He added that too many lawyers are prone to claim influence with judges "when they don't have influence in the slightest."

JUSTICE SHOCKED

"I, along with Justice Halley, flatly deny O. A. Cargill made an offer to me in this case or any other case.

"It is a shame this court should have to put up with such tomfoolery," he said. "We have had our names dragged through the news media to a point it is now sickening."

Davison said, "I was shocked when I heard the statement. I was rather dumbfounded."

"Nobody talked to me about the case," Justice Davison said.

END